

REMARKS

Claims 1-13 are currently pending in this application. Claims 1-11 have been amended, and new claims 12 and 13 have been added. Support for new claims 12 and 13 can be found in Figs. 1 and 4 of the current specification. No new matter has been added. Reconsideration of the outstanding rejections is respectfully requested in view of the foregoing amendments and following remarks.

Rejections Under 35 U.S.C. § 112

Claims 1-11 have been rejected under 35 U.S.C. § 112, second paragraph, as indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Specifically, the Office Action points out that the modifier “type” found in the preamble of the claim “renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by ‘type’), thereby rendering the scope of the claim(s) unascertainable.” Applicant disagrees that modifier “type” renders claims 1-11 indefinite; however, in the interest of furthering prosecution, the modifier “type” has been removed from the preamble of claims 1-11.

Additionally, claims 5 and 6 have been rejected under 35 U.S.C. § 112, second paragraph, as indefinite because it was allegedly unclear if the limitation of “a traverse device” was the same device referred to in claim 1. Claims 5 and 6 have been amended to clarify that the “at least two” traverse devices are the same devices as claimed in claim 1.

In view of the foregoing, Applicants respectfully submit that the rejection under 35 U.S.C. § 112, second paragraph, should be withdrawn.

Rejections Under 35 U.S.C. § 102

Claims 1-3, 5, and 7-10 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Daly et al., U.S. Patent No. 6,015,113 (“Daly”). The claimed invention is directed to a yarn winding apparatus in which the press roller and traverse device are positioned above the horizontal plane in which the axes of the bobbin holders lie. This configuration yields unexpected benefits, such as, for example, enhanced space efficiency without detriment to threading up operability. Further, as claimed in new claim 12, during winding, the yarn encircles or comes into contact with less than 180 degrees of the press roller. This small winding angle provides for a constant tension in the yarn being wound and less broken yarn at the press roller.

The Daly patent completely fails to teach or suggest all of the claimed limitations of the present invention. Specifically, Daly fails to teach or suggest the limitation of amended claim 1, which recites in part “a press roller and a traverse device are positioned above a horizontal plane in which axes of said at least two bobbin holders lie.” This claim limitation is not taught or suggested by the teachings of Daly.

Daly discloses an apparatus for winding synthetic continuous fibers in which a contact roll, i.e., a press roller, having an axis is mounted substantially parallel to the first and second spindle assemblies and below a horizontal plane in which the turret axis lies. See Col. 2, Ln. 6-9. Daly makes no mention of placing the press roller and traverse device above the axes of the bobbin holders. In fact, one of ordinary skill in the art following the teachings of Daly would not position the press rollers above a horizontal plane in which axes of said at least two bobbin holders lie because of the enumerated disadvantages listed in Daly at Col. 5, Ln. 24-37. While

these disadvantages are not directly associated with the claimed configuration, it would be logical that they would hinder an apparatus configured as claimed.

Regarding claim 12, the configuration disclosed in Daly provides for yarn contacting more than 180 degrees of the press rollers. This configuration creates a greater variation in tension, which in turn leads to more yarn breaks at the press rollers. Thus, claim 12 is allowable over Daly for this separate and independent reason.

In view of the foregoing, Applicants respectfully submit that the rejection under 35 U.S.C. § 102 should be withdrawn.

Rejections Under 35 U.S.C. § 103

Claim 11 has been rejected under 35 U.S.C. 103 as being obvious in light of Daly. Additionally, claim 4 has been rejected as being obvious in light of Daly and Tschentscher, U.S. Patent No. 4,136,834, and claim 6 has been rejected as being obvious in light of Daly and Schippers et al., U.S. Patent No. 4,505,437.

Claims 4, 6 and 11 are dependant from claim 1 and are allowable for at least the reasons set forth above.

In view of the foregoing, it is submitted that the present application is now in condition for allowance. Reconsideration and allowance of all pending claims are earnestly requested. The Director is authorized to charge any fees or overpayment to Deposit Account No. 02-2135.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the Applicants'

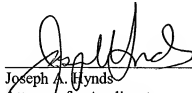
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undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

Respectfully submitted,

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